

August 02, 2022
Sl. No.3-5
gd/ssd

WPA (P) 157 of 2022
And
CAN 1 of 2022
CAN 2 of 2022
Shaista Afreen and others
vs.
The State of West Bengal and others

With

WPA (P) 154 of 2022
And
CAN 2 of 2022
CAN 3 of 2022
Anindya Sundar Das
vs.
The State of West Bengal and others

With

WPA (P) 161 of 2022
Dipam Mozumder
vs.
Union of India and others

Ms. Susmita Saha Dutta
... for the petitioners
in WPA (P) 157 of 2022

Mr. Phiroj Edulji,
Mr. Debapriya Samanta,
Mr. Samrat Ghosh,
Ms. Arpita Sarkar
... for the petitioner
in WPA (P) 154 of 2022

Mr. Subhankar Nag,
Mr. Puspall Chakraborty,
Mr. Prasanka Ganguly
... for the intervenor
in WPA (P) 157 of 2022

Mr. Rajib Kumar Acharyya,
Mr. Banshi Badan Maity,
Mr. Goutam Malik
... for the petitioner
in WPA (P) 161 of 2022

Mr. S. N. Mookherjee, Id. Advocate General,
Mr. Tapan Kumar Mukherjee,
Mr. Samrat Sen,
Ms. Sangeeta Ray
... for the State

Mr. Billwadal Bhattacharyya

... for the CBI

Mr. Dhiraj Trivedi,
Mr. Ayanabha Raha

... for the Union of India
in WPA (P) 157 & 154 of 2022

Mr. Dip Jyoti Chakraborty

... for the applicant
in CAN 2 of 2022

In re: WPA (P) 157 of 2022

In this public interest petition the unfortunate incident relating to alleged rape and death of a minor girl, aged about 14 years, belonging to the scheduled caste category, was raised with the allegation that the accused was son of one of the influential persons connected to a political party and a Member of the Gazna Gram Panchayat. The allegation was in respect of commission of gang rape by 4-5 persons and thereafter leaving the victim abandoned bleeding from the private parts. There was also allegation that the police had initially refused to register the FIR and with the intervention of the NGO the FIR was registered after 5-6 days.

This Court after taking note of the detailed circumstances of the case and also the legal position, vide order dated 12th April, 2022 had reached to the conclusion that the investigation should be carried out by the CBI instead of local police. Accordingly, this Court

had directed the State Investigating Agency to hand over the investigation to the CBI.

After the aforesaid order, the investigation has been done by the CBI. Earlier two progress reports were filed by CBI. Today third progress report has been filed by the CBI disclosing that the investigation is now over and the charge-sheet was filed on 08.07.2022 against nine accused persons keeping further investigation open under Section 173(8) Cr.P.C.

Hence, so far as the issue of investigation is concerned, nothing further is required to be done by the CBI.

In re: CAN 1 of 2022 in WPA (P) 157 of 2022

CAN 1 of 2022 was filed by one of the applicants for intervention with an allegation that some parallel investigation by private persons was being done.

On account of subsequent development of completion of investigation by the CBI and filing of the charge-sheet, nothing survives in CAN 1 of 2022, which is accordingly dismissed as infructuous.

In re: CAN 2 of 2022 in WPA (P) 157 of 2022

CAN 2 of 2022 was filed by the petitioners with the allegation that the parents of the victim had informed one of the petitioners that after the incident the Officer-in-

Charge and the Second Officer of Hanskhali Police Station had threatened them and tried to assault them with stick (lathi) and the entire incident had taken place in presence of the prime accused and his father.

In CAN 2 of 2022 the prayer is to direct the Superintendent of Police, Nadia to start disciplinary proceedings against Sri Mukunda Chakraborty, Officer-in-Charge, Hanskhali Police Station and Sri Mosiur Rahaman, Second Officer, Hanskhali Police Station and to transfer them.

At the instance of the Superintendent of Police, Nadia, the affidavit-in-opposition in CAN 2 of 2022 has been filed disclosing that the two abovenamed officers have been transferred from Hanskhali Police Station and that the internal departmental enquiry is going on to verify the veracity of the complaint made by the petitioners against them.

Learned Advocate General may appraise this Court on the next date of hearing about the status and outcome of the said internal enquiry.

In re: WPA (P) 154 of 2022

Learned Advocate General seeks further two weeks' time to file affidavit-in-opposition. Thereafter affidavit-in-reply in CAN 3 of 2022 be filed within two weeks.

List on 5th September, 2022.

In re: WPA (P) 161 of 2022

So far as WPA (P) 157 of 2022 is concerned with the conclusion of the investigation and filing of the charge-sheet by the CBI before the competent Court on 08.07.2022, nothing survives in this petition, which is accordingly disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]